UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,675	10/31/2001	Thomas D. Hanan	A1023	5322

35219   7590   09/17/2007
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EXAMINER
POPHAM, JEFFREY D

ART UNIT	PAPER NUMBER
2137	

MAIL DATE	DELIVERY MODE
09/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	10/003,675	HANAN, THOMAS D.
	Examiner	**Art Unit**	
	Jeffrey D. Popham	2137	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>19 July 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that the finality of the rejection dated 3/19/2007 is improper, since the examiner used new grounds of rejection in order to reject new dependent claims. Since no new grounds of rejection have been set forth for any of the previously presented claims, this argument is deemed moot.

Applicant argues that Hamlin does not teach a mailbox file that characterizes an executable function that is to be performed by the disk drive. To the contrary, Hamlin is highly concerned with such files and the disk drive executing functions characterized by said files. One will note that a special portion of the pristine area of Hamlin can be set for access by trusted external entities through logical block addresses (Column 8, lines 19-23). Therefore, Hamlin teaches that the mailbox files which are stored within the pristine area or host interface addressable. Throughout Hamlin, one will note that there is authentication being performed by the disk drive, both of a user/device and of the data which is to be stored or retrieved from memory. This may come in the form of a challenge-response protocol, as described in various portions of Hamlin. Since the disk drive is performing message authentication based on the particular data that is host interface addressable, Hamlin clearly teaches a mailbox file that characterizes an executable function that is to be performed by the disk drive. If not clear enough from such teachings in Hamlin, one may look to the encryption functions of Hamlin, whereby a file to be read from the disk drive is specified, authentication is performed, then, if the authentication was successful, the file will be decrypted by the disk drive and sent to the authentic external device. One will also note that authentication procedures may be in place for accessing the public area of the disk, based upon the data which is attempted to be accessed and the user/device authentication and/or authorization parameters.

Applicant argues that Nozawa does not teach performing an executable function characterized by contents of a mailbox file.
Does not teach a host interface addressable mailbox file. It is noted that applicant has ignored the examiner's arguments regarding Nozawa and the executable function characterized by contents of a mailbox file. This argument still holds and shows a clear recitation of that which was cited as being within Nozawa, and is as follows. Column 6, line 35 to Column 7, line 7 of Nozawa teaches obtaining an encrypted data key from the disk drive, via the disk controller, and generating the raw data key from such. More specifically, column 6, lines 35-45 shows that the upper rank apparatus explicitly instructs the disk controller to read the header portion of the storage medium, in order to obtain the data key. Column 7, lines 3-27 teaches the disk controller decrypting and decompressing the data corresponding to the key, and sending this data to the upper rank apparatus. More specifically, column 7, lines 11-16 reads "The data read out from the magnetic tape device 12 is first stored in the buffer 6, and then the cryptographic adapter 5 reads out the encrypted data from the buffer 6 and decrypts the encrypted data in accordance with an algorithm controlled by the raw data key which has been set in the data key storage mechanism 8." This section clearly teaches that the drive controller decrypts the data in accordance with an algorithm controlled by the raw data key. The particular executable function performed by the disk controller (the encryption algorithm) is controlled by the key, which was read from the disk in response to a command/instruction from the upper rank apparatus. As one can see, Nozawa clearly teaches that the executable function is characterized by contents of the mailbox file.

Applicant appears to argue that Rao does not teach the host computer accessing a storage location in order to cause the disk drive to perform an executable function that is characterized by contents of the location being accessed. However, upon reading Rao, one will note that the parameters that the host can change control executable functions such as encryption. The host and/or user may select which encryption algorithm to use in encrypting information sent to the disk drive. This data that the host refers to is the mailbox file and the encryption function is characterized by such data. Other examples are parameters for compression; how much compression should be applied, or how quickly it should be applied. Both are examples of executable functions characterized by contents of the data which is a mailbox file (or a part thereof). .